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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/720,150

11/25/2003

Jong Seok Kim

465-1082P

4305

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09/12/2006

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EXAMINER

PATEL, RITA RAMESH

ART UNIT

PAPER NUMBER

1746

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/720,150	Applicant(s) KIM ET AL.	
	Examiner Rita R. Patel	Art Unit 1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Acknowledgement has been made of applicant's claim for priority under 35 U.S.C. 119. This application claims the benefit of Korean Application No. 10-2002-0075315 filed on November 29, 2002.

Drawings

The drawings received 11/28/03 are acceptable for examination purposes.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Re claim 5, what does "reinforcement rib is built in one body of the tub" mean? Similarly, re claim 10 what does "protrusion is built in one body of the lip"? Does applicant mean to have written 'built in one part of the tub/lip' or 'built in one piece/integrally with the tub/lip'? Please clarify.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-9, and 11-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Kronbetter et al. herein referred to as “Kronbetter” (US Patent No. 6,256,823).

Kronbetter teaches a washing machine 10 with housing 12 having an opening 19 in the front of panel 13. Also, there is a bellows 44 in the front panel 13, therein lying stationary drum 25 and rotating drum 30; bellows 44 reads on applicant's claim for a gasket. The drum is tilted horizontally at a 90 degree angle from a traditional vertical orientation for said washing machine. Tilted drum assemblies in washing machines are commonly known in the art, as they provide increased usability in loading and unloading laundry, and are space efficient in that items may be put on top of the washer, such as a laundry basket and detergent containers, or even a stacked type drying machine.

The bellows 44 embodies a first channel 46 having opposing sidewalls 50, terminating in a first and second fastening means 54, 56; the first fastening means 54 has an axially extending rib 65 engageable with one of the sidewalls of the first channel; and second fastening means 56 which has an axially extending rib 70 and is engageable with one of the sidewalls of the second channel and a radially extending lip

80 engageable with the door, whereby the stationary drum is sealed to the front panel of the washing machine. Kronbetter's teaching of a first fastening member 54 reads on applicant's claim for a support member. Kronbetter's disclosure of fins 69a, 69b, 69c reads on applicant's claim for a reinforcement rib formed on the support member. As seen in Figure 3, there are a plurality of said reinforcement ribs, fins 69a, 69b, 69c, which are illustratively shown to have a predetermined interval from one another. Moreover, as seen by the depression of fins 69a, 69b, 69c in Figure 3, the fins inherently form a predetermined distance from the inner lateral side of the lip, which is nearly equal to the width of an individual fin. Kronbetter's teaching of axially extending rib 65 reads on applicant's claim for a protrusion formed on an inner lateral side of the lip to be contacted with the tub. Moreover, the axially extending rib 65 is formed at a tip of the lip. As seen in Figure 2 of Kronbetter, the protrusion, or axially extending rib 65 is formed at the top and bottom of the washing drum 25, thus reading on applicant's claim wherein the protrusion is plurally formed to leave a predetermined interval from each other. Moreover, as seen in Figure 2, the axially extending rib 65 is formed at a predetermined distance from the stationary drum 25 and the rotating drum 30. Also diagrammed in Figure 2 of Kronbetter are steps 60, 61 and corner bellow portion 44 which read respectively on applicant's claim for a first plane portion coupled to the cabinet, a second plane portion coupled to the tub, and a bending portion connecting the first plane portion to the second plane portion.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Son et al. (US Patent No. 6,584,814) teaches a washing machine with a tilted tub and drum therein; Son teaches said invention is capable of allowing laundry to be easily put into and taken out of the tilted washing tub and also reduces manufacturing costs by allowing one type of casing to be commonly used for the washing machine with the tilted washing tub and a washing machine with a perpendicular washing tub, and which then allows the parts of the washing machine to be easily attached to the washing machine (col. 2, lines 2-10). Kim et al. (US 2004/0025544) teaches a horizontal washing machine with a gasket 30 for preventing water and laundry received in the drum 20 and tub 10 from being leaked outside the tub 10 (Paragraph [0045]). As seen in Figure 2 of Kim et al. the gasket creates a sealing path from the door along a straight away then forms a "Z"-shape and follows along a second horizontal straightaway where it connects with the edge of the drum 20, and finally forms a vertical path which connects with the tub 10.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422

F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-2, 6, and 11-13 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2, 5, 10-12, and 15 of copending Application No. 10/722,426. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both claim a drum type washing machine with a cabinet, drum, tub, and gasket therein. In addition to a support member between the drum and tub for providing sealing means.

Claims 1-2, 6, and 11-16 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 and 7-10 of copending Application No. 10/722,443. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both claim a washing machine including a cabinet, drum, tub, gasket, first, second, and third openings, a gasket, a laundry-stuck preventing part, and a leakage preventing part.

Claims 1-2, 6, and 11-16 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 and 9-11 of

copending Application No. 10/722,455. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both claim a washing machine including a cabinet, drum, tub, gasket, first, second, and third openings, a leakage preventing part, a deformation preventing part, and a laundry-stuck preventing part.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita R. Patel whose telephone number is (571) 272-8701. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RRP



MICHAEL BARR
SUPERVISORY PATENT EXAMINER